



HITACHI

GE Hitachi Nuclear Energy

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Security-Related, Proprietary, and Personally Identifiable Information Notice

This letter forwards security-related, proprietary, and personally identifiable information which must be withheld from public disclosure in accordance with 10CFR2.390 and 10CFR9.17. Upon removal of the enclosures 1 & 2, the balance of this letter may be made public.

M210076

June 15, 2021

ATTN: Document Control Desk
Director, Division of Security Operations
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: **GEH-A Submittal of OODEP Updates**

GE-Hitachi Nuclear Energy Americas LLC (GEH-A) and its parent organizations, GE-Hitachi Nuclear Energy Holdings LLC (GEHNEH) and GENE Holding LLC (GENE-H), hereby submit an update to the GEHNEH and GENE-H Owner, Officer, Directors, and Executive Personnel (OODEP) lists in support of the foreign ownership, control, or influence (FOCI) information submitted pursuant to 10 CFR 95.17, supporting the non-possessing facility clearance held by GEH-A.

We believe these changes to the GENE-H and GEHNEH OODEPs should not adversely affect the prior favorable FOCI determinations for GENE-H, GEHNEH, or GEH-A.

Please note that Enclosures 1 and 2 herewith contain sensitive unclassified non-safeguards security-related information, personally identifiable information, and other, proprietary and confidential information, all of which GEH-A maintains in confidence and withholds from public disclosure. The affidavit contained in Enclosure 3 herewith identify that such other information contained in Enclosures 1 and 2 herewith has been handled and designated as proprietary and confidential by GEH-A. GEH-A hereby requests that all sensitive information in Enclosures 1 and 2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

Please contact me at 910-232-8521 if you have any questions regarding this FOCI information or would like to discuss this matter further.

Regards,

Bruce W. Mattox
Senior Security Manager

US NRC
M210076
June 15, 2021
Page 2 of 2

Enclosures:

1. OODEP for GENE-H (SRI/PII)
2. OODEP for GEHNEH (SRI/PII)
3. Affidavit

cc: M. Bartlett (NMSS) NRC
D. Hase (NSIR) NRC
K. Everly (NSIR) NRC
L. Pitts (RII) NRC

BWM 21-07

ENCLOSURE 3
of
M210076

Affidavit

AFFIDAVIT

I, **Jay T. Wileman**, state as follows:

- (1) I hold the position of Chief Executive Officer, GE Hitachi Nuclear Energy Americas, LLC (GEH-A), have the responsibility of reviewing the information belonging to GE Hitachi Nuclear Energy Holdings, LLC and GENE Holding, LLC (collectively "GEH" in this affidavit) described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding from public disclosure.
- (2) The sensitive security-related information and confidential commercial (hereinafter referred to as "proprietary") information and personally identifiable information requested to be withheld from public disclosure is contained in Enclosures 1 and 2 of GEH's letter, Bruce W. Mattox to U.S. NRC Document Control Desk, Letter No. M210076, entitled "GEH-A Submittal of OODEP Updates," dated June 15, 2021. In the above-cited Enclosures, those pages requested to be withheld are marked with the designation "GEH Security-Related, Proprietary, and Personally Identifiable Information – Withhold from Public Disclosure per 10CFR2.390" or similar notice at the top of each page. Security-related information is denoted by the text "{SRI}" placed on pages containing, adjacent to the first instance of, such information. Personally identifiable information is denoted by the text "(PII)" placed adjacent to such information.
- (3) In making this application for withholding of confidential information of which it is the owner, GEH relies upon the exemptions from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), 9.17(a)(6), 2.390(a)(4), and 2.390(a)(6) for "trade secrets and commercial or financial information" (Exemption 4) and "personnel and medical files" (Exemption 6) and 10 CFR 2.390(d), as well as the guidance in NRC RIS 2005-31, for "security-related information". The material for which exemption from disclosure is here sought is all "confidential commercial or financial information" or "personnel information", and some portions also may also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of confidential, trade secret, or proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies.
 - b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
 - c. Information which reveals organizational structures, cost or price information, production capacities, budget levels, or commercial strategies of GEH, its customers, or its suppliers.

- d. Information which reveals aspects of past, present, or future GEH customer-funded development plans and programs, resulting in potential products to GEH;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

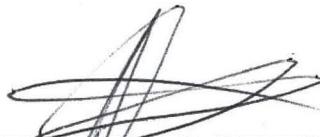
The information requested to be withheld is considered to be confidential because it reveals confidential commercial and/or financial information regarding the operations of GEH and its related joint venture entities or reveals personal information of individuals, and some of the former information is also considered proprietary for the reasons set forth in paragraph (4)c. above.

- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GEH and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GEH, no public disclosure has been made, and it is not available in public sources. Notwithstanding the foregoing, in the case of certain summaries, tables, charts, and similar compilations of information, while the overall compilation is deemed proprietary by GEH, discrete pieces of information within the larger compilation may not be proprietary and may have been separately publicly disclosed or be available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or confidentiality or proprietary information agreements which provide for maintenance of the information in confidence. Its initial designation as confidential or proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of confidential or proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GEH is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by, as applicable, the staff manager, project manager, principal scientist or other equivalent authority; the manager of the cognizant marketing function (or his delegate); and the Legal organization, for technical content, competitive effect, and determination of the accuracy of the confidential or proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or confidentiality or proprietary information agreements.
- (8) The information identified in paragraph (2), above, is designated as confidential because it reveals: (a) commercial and/or financial information regarding the operations of GEH and its related joint venture entities; (b) security-related information; and/or (c) personal privacy information of individuals.

- (9) Public disclosure of the information sought to be withheld is inconsistent with the intent of the requirements for submittal and is likely to cause harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities and would reveal personal privacy information and potentially reduce information security.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

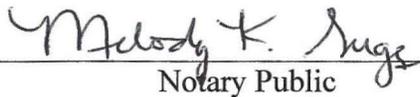
Executed on this 15th day of June 2021.



Jay T. Wileman
Chief Executive Officer
GE Hitachi Nuclear Energy Americas, LLC

Witness my hand and official seal, this 15th day of June 2021.

State of North Carolina
County of New Hanover


Notary Public

My commission expires: 01-15-2024

